

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adrian Legaspi	Team: Team # 4	CCRB Case #: 201209949	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/29/2012 3:30 AM	Location of Incident: § 87(2)(b)	Precinct: 103	18 Mo. SOL 1/29/2014	EO SOL 1/29/2014	
Date/Time CV Reported Sun, 07/29/2012 3:40 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/02/2012 2:52 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Henry Daverin	16496	945645	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Henry Daverin	Force: PO Henry Daverin used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On July 29, 2012, § 87(2)(b) filed a complaint with IAB, generating log number 12-40161. On August 2, 2012, § 87(2)(b)'s complaint was forwarded to the CCRB. § 87(2)(b) provided a brief phone statement to the CCRB on August 9, 2012.

On July 29, 2012, at approximately 3:30 a.m., at § 87(2)(b), in Queens, § 87(2)(b) and § 87(2)(b) were attending a party. At this time, the party had become loud and many of the party-goers were highly intoxicated. A brawl broke out, and a neighbor called the police. PO1, a uniformed white male with a very heavy build, responded in a marked patrol vehicle. § 87(2)(b) learned that his shield number was 16496. A search of CTS shows that shield #16496 is assigned to PO Henry Daverin, who is assigned to the 103rd Precinct. § 87(2)(b) was unable to obtain the RMP number of the vehicle. PO Daverin stood outside of the gate on the sidewalk and told the party goers to relax numerous times. § 87(2)(b) approached PO Daverin and tried to explain what happened and PO Daverin told him to step back. § 87(2)(b) did not step back as he was intoxicated, and PO Daverin kicked him in the chest (Allegation A). § 87(2)(b) fell down, but was not injured and did not seek medical treatment. PO Daverin left after the party goers started to disperse.

On August 9, 2012, the investigator called § 87(2)(b) and he provided a brief phone statement. § 87(2)(b) did not know § 87(2)(b)'s phone number, but confirmed that his address was the same as the address of the incident location. § 87(2)(b) stated that he needed until August 16, 2012, to decide whether he wanted to pursue mediation or investigation. § 87(2)(b) did not contact the CCRB on August 16, 2012. On August 27, 2012, the investigator called § 87(2)(b). § 87(2)(b) stated that he did not wish to pursue the complaint because he did not have enough time. § 87(2)(b) rejected mediation and stated that he wished to withdraw his complaint. He confirmed that he was withdrawing the complaint of his own free will, and that no one in the NYPD or the CCRB coerced him to withdraw his complaint. § 87(2)(b) had still not obtained § 87(2)(b)'s phone number. On August 28, 2012, § 87(2)(b) was sent a withdrawal letter which will be included in the case file upon receipt. The withdrawal was reviewed by ASI Levavi, who confirmed that it met agency standards.

Between August 13, 2012, and August 27, 2012, two please call letters were sent to § 87(2)(b). Neither have been returned to the CCRB by the United States Postal Service. On August 24, 2012, a search of the 411.com database was performed which yielded over 100 results for the name of § 87(2)(b) none of which contained the address provided by § 87(2)(b). On August 24, 2012, a search of the Cole Directory yielded no telephone numbers associated with the address. A search of Lexis Nexis performed on August 28, 2012, yielded one result for a § 87(2)(b) § 87(2)(b) living at § 87(2)(b). § 87(2)(b)'s phone number was listed. On September 4, 2012, the investigator called the number and a female picked up. She confirmed that she was § 87(2)(b) § 87(2)(b) but did not know anyone by the name of § 87(2)(b). She hung up before the investigator could obtain additional information. On September 27, 2012, the investigator received and reviewed the IAB recording. It confirmed § 87(2)(b)'s address as the incident location, but did not yield additional contact information. On October 2, 2012, a search of the Department of Correction inmate lookup website confirmed that § 87(2)(b) is not currently incarcerated. As of October 2, 2012, § 87(2)(b) has not contacted the CCRB. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date